

By: Taylor, et al.
(Bonnen of Galveston, Huberty, Metcalf, Thierry,
Price, et al.)

S.B. No. 11

Substitute the following for S.B. No. 11:

By: VanDeaver

C.S.S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

relating to policies, procedures, and measures for school safety
and mental health promotion in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 7, Education Code, is
amended by adding Section 7.061 to read as follows:

Sec. 7.061. FACILITIES STANDARDS. (a) In this section,
"instructional facility" has the meaning assigned by Section
46.001.

(b) The commissioner shall adopt or amend rules as necessary
to ensure that building standards for instructional facilities and
other school district and open-enrollment charter school
facilities provide a secure and safe environment. In adopting or
amending rules under this section, the commissioner shall include
the use of best practices for:

(1) the design and construction of new facilities; and
(2) the improvement, renovation, and retrofitting of
existing facilities.

(c) Not later than September 1 of each even-numbered year,
the commissioner shall review all rules adopted or amended under
this section and amend the rules as necessary to ensure that
building standards for school district and open-enrollment charter
school facilities continue to provide a secure and safe
environment.

SECTION 2. Chapter 8, Education Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. MENTAL HEALTH AND SUBSTANCE USE RESOURCES FOR SCHOOL DISTRICT PERSONNEL

Sec. 8.151. DEFINITIONS. In this subchapter, "local mental health authority" and "non-physician mental health professional" have the meanings assigned by Section 571.003, Health and Safety Code.

Sec. 8.152. EMPLOYMENT OF NON-PHYSICIAN MENTAL HEALTH PROFESSIONAL AS MENTAL HEALTH AND SUBSTANCE USE RESOURCE. (a) A local mental health authority shall employ a non-physician mental health professional to serve as a mental health and substance use resource for school districts located in the region served by a regional education service center and in which the local mental health authority provides services. In making a hiring decision under this section, the local mental health authority shall consult with the regional education service center.

(b) If two or more local mental health authorities provide services in a region served by a regional education service center, the local mental health authority that primarily operates in the county in which the center is located shall employ the non-physician mental health professional and, in making any hiring decision, consult with other local mental health authorities and the regional education service center providing services in that region.

Sec. 8.153. INTERAGENCY COLLABORATION; MEMORANDUM OF UNDERSTANDING. (a) A local mental health authority that employs a

1 non-physician mental health professional under Section 8.152 and
2 the regional education service center shall collaborate in carrying
3 out this subchapter.

4 (b) Each regional education service center shall provide
5 for a non-physician mental health professional employed for the
6 region served by the center with a space for the professional to
7 carry out the professional's duties under Section 8.155. The local
8 mental health authority that employs the professional shall pay the
9 center a reasonable negotiated cost recovery fee for providing the
10 space and administrative support outlined in the memorandum of
11 understanding under Subsection (c). The fee may not exceed \$15,000
12 unless a larger fee is agreed to by the local mental health
13 authority and center.

14 (c) A local mental health authority and a regional education
15 service center shall enter into a memorandum of understanding for
16 the administration of this section.

17 Sec. 8.154. SUPERVISION OF NON-PHYSICIAN MENTAL HEALTH
18 PROFESSIONAL. The local mental health authority that employs a
19 non-physician mental health professional under Section 8.152
20 shall:

21 (1) supervise the professional in carrying out the
22 professional's duties under Section 8.155; and

23 (2) consult with any other local mental health
24 authorities in the region and the regional education service center
25 in supervising the professional and seek input from the center
26 regarding the professional's performance.

27 Sec. 8.155. DUTIES OF NON-PHYSICIAN MENTAL HEALTH

1 PROFESSIONAL. (a) A non-physician mental health professional
2 employed under Section 8.152 shall collaborate with the regional
3 education service center that focuses on mental health initiatives
4 and act as a resource for the regional education service center and
5 school district personnel by:

6 (1) helping personnel gain awareness and a better
7 understanding of mental health and co-occurring mental health and
8 substance use disorders;

9 (2) assisting personnel to implement initiatives
10 related to mental health or substance use under:

11 (A) state law;
12 (B) rules adopted by a state agency;
13 (C) interagency memoranda of understanding; or
14 (D) programs related to the state law, rules, or
15 memoranda of understanding;

16 (3) ensuring personnel are aware of:
17 (A) the list of recommended best practice-based
18 programs and research-based practices developed under Section
19 161.325, Health and Safety Code;

20 (B) other public and private mental health and
21 substance use prevention, treatment, and recovery programs
22 available in the school district, including evidence-based
23 programs provided by a local mental health authority and other
24 public or private mental health providers; and

25 (C) other resources available from the Health and
26 Human Services Commission to support school districts, students, or
27 students' families;

(4) on a monthly basis, facilitating mental health first aid training;

(5) on a monthly basis, facilitating training regarding the effects of grief and trauma and providing support to children with intellectual or developmental disabilities who suffer from grief or trauma; and

(6) on a monthly basis, facilitating training on prevention and intervention programs that have been shown to be effective in helping students cope with pressures to:

(A) use alcohol, cigarettes, or illegal drugs; or

(B) misuse prescription drugs.

(b) A non-physician mental health professional employed under Section 8.152 may not treat or provide counseling to a student or provide specific advice to school district personnel regarding a student.

Sec. 8.156. PARTICIPATION BY SCHOOL DISTRICT NOT REQUIRED. This subchapter does not require a school district to participate in training provided by a non-physician mental health professional or otherwise use the professional as a resource.

Sec. 8.157. DISTRIBUTION OF FUNDING. A state agency to which money is appropriated to carry out this subchapter shall ensure that the money is distributed equally among the local mental health authorities that employ and supervise non-physician mental health professionals under this subchapter.

Sec. 8.158. REPORT. (a) Before the last business day of each calendar year, each local mental health authority that employs and supervises a non-physician mental health professional under

this subchapter shall prepare and submit a report to the Health and Human Services Commission regarding the outcomes for school districts and students resulting from services provided by the non-physician mental health professional.

(b) Not later than January 31 of the following calendar year, the Health and Human Services Commission shall compile the information submitted under this section and prepare and provide a preliminary report to the agency for review and input. After receiving the agency's recommendations on the preliminary report, the commission shall prepare and submit a final report to the agency, the lieutenant governor, the speaker of the house of representatives, each standing committee of the legislature having primary jurisdiction over mental health, and each standing committee of the legislature having primary jurisdiction over public education.

SECTION 3. Section 11.252(a), Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators adopted under Section 39.053(c). The district improvement plan must include provisions for:

1 (1) a comprehensive needs assessment addressing
2 district student performance on the achievement indicators, and
3 other appropriate measures of performance, that are disaggregated
4 by all student groups served by the district, including categories
5 of ethnicity, socioeconomic status, sex, and populations served by
6 special programs, including students in special education programs
7 under Subchapter A, Chapter 29;

8 (2) measurable district performance objectives for
9 all appropriate achievement indicators for all student
10 populations, including students in special education programs
11 under Subchapter A, Chapter 29, and other measures of student
12 performance that may be identified through the comprehensive needs
13 assessment;

14 (3) strategies for improvement of student performance
15 that include:

16 (A) instructional methods for addressing the
17 needs of student groups not achieving their full potential;

18 (B) methods for addressing the needs of students
19 for special programs, including:

20 (i) suicide prevention programs, in
21 accordance with Subchapter O-1, Chapter 161, Health and Safety
22 Code, which includes a parental or guardian notification procedure;

23 (ii) conflict resolution programs;

24 (iii) violence prevention programs; and

25 (iv) dyslexia treatment programs;

26 (C) dropout reduction;

27 (D) integration of technology in instructional

1 and administrative programs;

2 (E) discipline management;

3 (F) staff development for professional staff of

4 the district;

5 (G) career education to assist students in

6 developing the knowledge, skills, and competencies necessary for a

7 broad range of career opportunities; and

8 (H) accelerated education;

9 (4) strategies for providing to middle school, junior

10 high school, and high school students, those students' teachers and

11 school counselors, and those students' parents information about:

12 (A) higher education admissions and financial

13 aid opportunities;

14 (B) the TEXAS grant program and the Teach for

15 Texas grant program established under Chapter 56;

16 (C) the need for students to make informed

17 curriculum choices to be prepared for success beyond high school;

18 and

19 (D) sources of information on higher education

20 admissions and financial aid;

21 (5) resources needed to implement identified

22 strategies;

23 (6) staff responsible for ensuring the accomplishment

24 of each strategy;

25 (7) timelines for ongoing monitoring of the

26 implementation of each improvement strategy;

27 (8) formative evaluation criteria for determining

periodically whether strategies are resulting in intended improvement of student performance; ~~and~~

(9) the policy under Section 38.0041 addressing sexual abuse and other maltreatment of children; and

(10) the trauma-informed care policy required under Section 38.036.

SECTION 4. Section 12.104(b), Education Code, as amended by Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(b) An open-enrollment charter school is subject to:

(1) a provision of this title establishing a criminal offense; and

(2) a prohibition, restriction, or requirement, as applicable, imposed by this title or a rule adopted under this title, relating to:

(A) the Public Education Information Management System (PEIMS) to the extent necessary to monitor compliance with this subchapter as determined by the commissioner;

(B) criminal history records under Subchapter C, Chapter 22;

(C) reading instruments and accelerated reading instruction programs under Section 28.006;

(D) accelerated instruction under Section 28.0211;

(E) high school graduation requirements under Section 28.025;

- 1 (F) special education programs under Subchapter
2 A, Chapter 29;
- 3 (G) bilingual education under Subchapter B,
4 Chapter 29;
- 5 (H) prekindergarten programs under Subchapter E
6 or E-1, Chapter 29;
- 7 (I) extracurricular activities under Section
8 33.081;
- 9 (J) discipline management practices or behavior
10 management techniques under Section 37.0021;
- 11 (K) health and safety under Chapter 38;
- 12 (L) public school accountability under
13 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;
- 14 (M) the requirement under Section 21.006 to
15 report an educator's misconduct;
- 16 (N) intensive programs of instruction under
17 Section 28.0213;
- 18 (O) the right of a school employee to report a
19 crime, as provided by Section 37.148; ~~and~~
- 20 (P) bullying prevention policies and procedures
21 under Section 37.0832;
- 22 (Q) the right of a school under Section 37.0052
23 to place a student who has engaged in certain bullying behavior in a
24 disciplinary alternative education program or to expel the student;
25 ~~and~~
- 26 (R) the right under Section 37.0151 to report to
27 local law enforcement certain conduct constituting assault or

harassment;

(S) ~~(P)~~ a parent's right to information regarding the provision of assistance for learning difficulties to the parent's child as provided by Sections 26.004(b)(11) and 26.0081(c) and (d);

(T) healthy relationships education under Section 28.004(q); and

(U) school safety requirements under Sections 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.115, 37.207, and 37.2071.

SECTION 5. Sections 21.054(d) and (d-2), Education Code, are amended to read as follows:

(d) Continuing education requirements for a classroom teacher must provide that not more than 25 percent of the training required every five years include instruction regarding:

(1) collecting and analyzing information that will improve effectiveness in the classroom;

(2) recognizing early warning indicators that a student may be at risk of dropping out of school;

(3) digital learning, digital teaching, and integrating technology into classroom instruction;

(4) educating diverse student populations, including:

(A) students with disabilities, including mental health disorders;

(B) students who are educationally disadvantaged;

(C) students of limited English proficiency; and

(D) students at risk of dropping out of school;
[and]

(5) understanding appropriate relationships,
boundaries, and communications between educators and students;
and[-]

(6) [~~(d-2) Continuing education requirements for a
classroom teacher may include instruction regarding~~] how grief and
trauma affect student learning and behavior and how evidence-based,
grief-informed, and trauma-informed strategies support the
academic success of students affected by grief and trauma.

(d-2) The instruction required under Subsection (d)(6)
must:

(1) comply with the training required by Section
38.036(c)(1); and

(2) be approved by the commissioner.

SECTION 6. Section 25.081(a), Education Code, is amended to
read as follows:

(a) Except as authorized under Subsection (b) of this
section, Section 25.0815, Section 25.084, or Section 29.0821, for
each school year each school district must operate for at least
75,600 minutes, including time allocated for instruction,
intermissions, and recesses for students.

SECTION 7. Subchapter C, Chapter 25, Education Code, is
amended by adding Section 25.0815 to read as follows:

Sec. 25.0815. OPERATION AND INSTRUCTIONAL TIME WAIVERS FOR
SCHOOL SAFETY TRAINING. (a) The commissioner shall provide a
waiver allowing for fewer minutes of operation and instructional

time than required under Section 25.081(a) for a school district that requires each educator employed by the district to attend an approved school safety training course.

(b) A waiver under this section:

(1) must allow sufficient time for the school district's educators to attend the school safety training course; and

(2) may not:

(A) result in an inadequate number of minutes of instructional time for students; or

(B) reduce the number of minutes of operation and instructional time by more than 420 minutes.

(c) To be approved under this section, a school safety training course must apply to the Texas School Safety Center. The Texas School Safety Center may approve a training course if the course satisfies the training requirements as determined by the center.

(d) The commissioner may adopt rules to implement this section.

SECTION 8. Section 28.002, Education Code, is amended by adding Subsection (z) to read as follows:

(z) The State Board of Education by rule shall require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying. In this subsection:

(1) "Cyberbullying" has the meaning assigned by

1 Section 37.0832.

2 (2) "Digital citizenship" means the standards of
3 appropriate, responsible, and healthy online behavior, including
4 the ability to access, analyze, evaluate, create, and act on all
5 forms of digital communication.

6 SECTION 9. Section 28.004, Education Code, is amended by
7 amending Subsection (c) and adding Subsections (q) and (r) to read
8 as follows:

9 (c) The local school health advisory council's duties
10 include recommending:

11 (1) the number of hours of instruction to be provided
12 in health education;

13 (2) policies, procedures, strategies, and curriculum
14 appropriate for specific grade levels designed to prevent obesity,
15 cardiovascular disease, Type 2 diabetes, and mental health
16 concerns, including suicide, through coordination of:

- 17 (A) health education;
- 18 (B) physical education and physical activity;
- 19 (C) nutrition services;
- 20 (D) parental involvement;
- 21 (E) instruction to prevent the use of
22 e-cigarettes, as defined by Section 161.081, Health and Safety
23 Code, and tobacco;
- 24 (F) school health services;
- 25 (G) counseling and guidance services;
- 26 (H) a safe and healthy school environment; and
- 27 (I) school employee wellness;

1 (3) appropriate grade levels and methods of
2 instruction for human sexuality instruction and healthy
3 relationships education;

4 (4) strategies for integrating the curriculum
5 components specified by Subdivision (2) with the following elements
6 in a coordinated school health program for the district:

7 (A) school health services;

8 (B) counseling and guidance services;

9 (C) a safe and healthy school environment; and

10 (D) school employee wellness; ~~and~~

11 (5) if feasible, joint use agreements or strategies
12 for collaboration between the school district and community
13 organizations or agencies; and

14 (6) strategies to increase parental awareness
15 regarding:

16 (A) risky behaviors and early warning signs of
17 suicide risks and behavioral health concerns, including mental
18 health disorders and substance use disorders; and

19 (B) available community programs and services
20 that address risky behaviors, suicide risks, and behavioral health
21 concerns.

22 (g) The board of trustees shall determine the specific
23 content of the district's healthy relationships education with the
24 advice of the local school health advisory council. The curriculum
25 for the healthy relationships education must be age-appropriate and
26 supported by research that is peer-reviewed, conducted in
27 compliance with accepted scientific methods, and recognized as

accurate by leading professional organizations and agencies with relevant experience. As age-appropriate, the curriculum must promote relationship, communication, and decision-making skills, including strategies to:

(1) develop healthy, age-appropriate relationships;
(2) develop healthy life skills, including critical thinking, problem solving, effective communication, and responsible decision making about relationships; and

(3) promote effective communication between adolescents and their parents, legal guardians, or other family members about relationships.

(r) In this section, "age-appropriate" means suitable to particular ages or age groups of children or adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

SECTION 10. Section 37.0812, Education Code, is amended to read as follows:

Sec. 37.0812. TRAINING POLICY: SCHOOL DISTRICT PEACE OFFICERS AND SCHOOL RESOURCE OFFICERS. A school district ~~[with an enrollment of 30,000 or more students]~~ that commissions a school district peace officer or at which a school resource officer provides law enforcement shall adopt a policy requiring the officer to complete the education and training program required by Section 1701.263, Occupations Code.

SECTION 11. Section 37.108, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1) and (f) to read as follows:

(a) Each school district or public junior college district shall adopt and implement a multihazard emergency operations plan for use in the district's facilities. The plan must address prevention, mitigation, preparedness, response, and recovery as defined by the Texas School Safety Center in conjunction with the governor's office of homeland security and the commissioner of education or commissioner of higher education, as applicable ~~[in conjunction with the governor's office of homeland security]~~. The plan must provide for:

(1) ~~[district employee]~~ training in responding to an emergency for district employees, including substitute teachers;

(2) measures to ensure district employees, including substitute teachers, have classroom access to a telephone, including a cellular telephone, or another electronic communication device allowing for immediate contact with district emergency services or emergency services agencies, law enforcement agencies, health departments, and fire departments;

(3) measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency;

(4) if the plan applies to a school district, mandatory school drills and exercises, including drills required under Section 37.114, to prepare district students and employees for responding to an emergency;

(5) ~~[(3)]~~ measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement, health departments, and fire

1 departments in the event of an emergency; and

2 (6) ~~[(4)]~~ the implementation of a safety and security
3 audit as required by Subsection (b).

4 (b) At least once every three years, each school district or
5 public junior college district shall conduct a safety and security
6 audit of the district's facilities. To the extent possible, a
7 district shall follow safety and security audit procedures
8 developed by the Texas School Safety Center or a person included in
9 the registry established by the Texas School Safety Center under
10 Section 37.2091 ~~[comparable public or private entity]~~.

11 (b-1) In a school district's safety and security audit
12 required under Subsection (b), the district must certify that the
13 district used the funds provided to the district through the school
14 safety allotment under Section 42.168 only for the purposes
15 provided by that section.

16 (c) A school district or public junior college district
17 shall report the results of the safety and security audit conducted
18 under Subsection (b) to the district's board of trustees and, in the
19 manner required by the Texas School Safety Center, to the Texas
20 School Safety Center. The report provided to the Texas School
21 Safety Center under this subsection must be signed by:

22 (1) for a school district, the district's board of
23 trustees and superintendent; or

24 (2) for a public junior college district, the
25 president of the junior college district.

26 (f) A school district shall include in its multihazard
27 emergency operations plan:

1 (1) a chain of command that designates the individual
2 responsible for making final decisions during a disaster or
3 emergency situation and identifies other individuals responsible
4 for making those decisions if the designated person is unavailable;

5 (2) provisions that address physical and
6 psychological safety for responding to a natural disaster, active
7 shooter, and any other dangerous scenario identified for purposes
8 of this section by the agency or the Texas School Safety Center;

9 (3) provisions for ensuring the safety of students in
10 portable buildings;

11 (4) provisions for ensuring that students and district
12 personnel with disabilities are provided equal access to safety
13 during a disaster or emergency situation;

14 (5) provisions for providing immediate notification
15 to parents, guardians, and other persons standing in parental
16 relation in circumstances involving a significant threat to the
17 health or safety of students, including identification of the
18 individual with responsibility for overseeing the notification;

19 (6) provisions for supporting the psychological
20 safety of students, district personnel, and the community during
21 the response and recovery phase following a disaster or emergency
22 situation that:

23 (A) are aligned with best practice-based
24 programs and research-based practices recommended under Section
25 [161.325](#), Health and Safety Code;

26 (B) include strategies for ensuring any required
27 professional development training for suicide prevention and

grief-informed and trauma-informed care is provided to appropriate school personnel;

(C) include training on integrating psychological safety strategies into the district's plan, such as psychological first aid for schools training, from an approved list of recommended training established by the commissioner and Texas School Safety Center for:

(i) members of the district's school safety and security committee under Section 37.109;

(ii) district school counselors and mental health professionals; and

(iii) educators and other district personnel as determined by the district;

(D) include strategies and procedures for integrating and supporting physical and psychological safety that align with the provisions described by Subdivision (2); and

(E) implement trauma-informed policies;

(7) a policy for providing a substitute teacher access to school campus buildings and materials necessary for the substitute teacher to carry out the duties of a district employee during an emergency or a mandatory emergency drill; and

(8) the name of each individual on the district's school safety and security committee established under Section 37.109 and the date of each committee meeting during the preceding year.

SECTION 12. Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.1081 and 37.1082 to read as follows:

Sec. 37.1081. PUBLIC HEARING ON MULTHAZARD EMERGENCY OPERATIONS PLAN NONCOMPLIANCE. (a) If the board of trustees of a school district receives notice of noncompliance under Section 37.207(e) or 37.2071(g), the board shall hold a public hearing to notify the public of:

(1) the district's failure to:

(A) submit or correct deficiencies in a multihazard emergency operations plan; or

(B) report the results of a safety and security audit to the Texas School Safety Center as required by law;

(2) the dates during which the district has not been in compliance; and

(3) the names of each member of the board of trustees and the superintendent serving in that capacity during the dates the district was not in compliance.

(b) The school district shall provide the information required under Subsection (a)(3) in writing to each person in attendance at the hearing.

(c) The board shall give members of the public a reasonable opportunity to appear before the board and to speak on the issue of the district's failure to submit or correct deficiencies in a multihazard emergency operations plan or report the results of a safety and security audit during a hearing held under this section.

(d) A school district required to hold a public hearing under Subsection (a) shall provide written confirmation to the Texas School Safety Center that the district held the hearing.

Sec. 37.1082. MULTHAZARD EMERGENCY OPERATIONS PLAN

NONCOMPLIANCE; APPOINTMENT OF CONSERVATOR OR BOARD OF MANAGERS.

(a) If the agency receives notice from the Texas School Safety Center of a school district's failure to submit a multihazard emergency operations plan, the commissioner may appoint a conservator for the district under Chapter 39A. The conservator may order the district to adopt, implement, and submit a multihazard emergency operations plan.

(b) If a district fails to comply with a conservator's order to adopt, implement, and submit a multihazard emergency operations plan within the time frame imposed by the commissioner, the commissioner may appoint a board of managers under Chapter 39A to oversee the operations of the district.

(c) The commissioner may adopt rules as necessary to administer this section.

SECTION 13. Section 37.109, Education Code, is amended by adding Subsections (a-1), (c), and (d) and amending Subsection (b) to read as follows:

(a-1) The committee, to the greatest extent practicable, must include:

(1) one or more representatives of an office of emergency management of a county or city in which the district is located;

(2) one or more representatives of the local police department or sheriff's office;

(3) one or more representatives of the district's police department, if applicable;

(4) the president of the district's board of trustees;

- 1 (5) a member of the district's board of trustees other
2 than the president;
- 3 (6) the district's superintendent;
- 4 (7) one or more designees of the district's
5 superintendent, one of whom must be a classroom teacher in the
6 district;
- 7 (8) if the district partners with an open-enrollment
8 charter school to provide instruction to students, a member of the
9 open-enrollment charter school's governing body or a designee of
10 the governing body; and
- 11 (9) two parents or guardians of students enrolled in
12 the district.

13 (b) The committee shall:

- 14 (1) participate on behalf of the district in
15 developing and implementing emergency plans consistent with the
16 district multihazard emergency operations plan required by Section
17 37.108(a) to ensure that the plans reflect specific campus,
18 facility, or support services needs;
- 19 (2) periodically provide recommendations to the
20 district's board of trustees and district administrators regarding
21 updating the district multihazard emergency operations plan
22 required by Section 37.108(a) in accordance with best practices
23 identified by the agency, the Texas School Safety Center, or a
24 person included in the registry established by the Texas School
25 Safety Center under Section 37.2091;
- 26 (3) provide the district with any campus, facility, or
27 support services information required in connection with a safety

1 and security audit required by Section 37.108(b), a safety and
2 security audit report required by Section 37.108(c), or another
3 report required to be submitted by the district to the Texas School
4 Safety Center; ~~and~~

5 (4) ~~(3)~~ review each report required to be submitted
6 by the district to the Texas School Safety Center to ensure that the
7 report contains accurate and complete information regarding each
8 campus, facility, or support service in accordance with criteria
9 established by the center; and

10 (5) consult with local law enforcement agencies on
11 methods to increase law enforcement presence near district
12 campuses.

13 (c) Except as otherwise provided by this subsection, the
14 committee shall meet at least once during each academic semester
15 and at least once during the summer. A committee established by a
16 school district that operates schools on a year-round system or in
17 accordance with another alternative schedule shall meet at least
18 three times during each calendar year, with an interval of at least
19 two months between each meeting.

20 (d) The committee is subject to Chapter 551, Government
21 Code, and may meet in executive session as provided by that chapter.
22 Notice of a committee meeting must be posted in the same manner as
23 notice of a meeting of the district's board of trustees.

24 SECTION 14. Subchapter D, Chapter 37, Education Code, is
25 amended by adding Sections 37.113, 37.114, and 37.115 to read as
26 follows:

27 Sec. 37.113. NOTIFICATION REGARDING BOMB THREAT OR

TERRORISTIC THREAT. A school district that receives a bomb threat or terroristic threat relating to a campus or other district facility at which students are present shall provide notification of the threat as soon as possible to the parent or guardian of or other person standing in parental relation to each student who is assigned to the campus or who regularly uses the facility, as applicable.

Sec. 37.114. EMERGENCY EVACUATIONS; MANDATORY SCHOOL DRILLS. The commissioner, in consultation with the Texas School Safety Center and the state fire marshal, shall adopt rules:

(1) providing procedures for evacuating and securing school property during an emergency; and

(2) designating the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills, including designating the number of:

(A) evacuation fire exit drills; and
(B) lockdown, lockout, shelter-in-place, and evacuation drills.

Sec. 37.115. THREAT ASSESSMENT AND SAFE AND SUPPORTIVE SCHOOL PROGRAM AND TEAM. (a) In this section:

(1) "Harmful, threatening, or violent behavior" includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

(A) specific interventions, including mental health or behavioral supports;

1 (B) in-school suspension;
2 (C) out-of-school suspension; or
3 (D) the student's expulsion or removal to a
4 disciplinary alternative education program or a juvenile justice
5 alternative education program.

6 (2) "Team" means a threat assessment and safe and
7 supportive school team established by the board of trustees of a
8 school district under this section.

9 (b) The agency, in coordination with the Texas School Safety
10 Center, shall adopt rules to establish a safe and supportive school
11 program. The rules shall incorporate research-based best practices
12 for school safety, including providing for:

- 13 (1) physical and psychological safety;
14 (2) a multiphase and multihazard approach to
15 prevention, mitigation, preparedness, response, and recovery in a
16 crisis situation;
17 (3) a systemic and coordinated multitiered support
18 system that addresses school climate, the social and emotional
19 domain, and behavioral and mental health; and

20 (4) multidisciplinary and multiagency collaboration
21 to assess risks and threats in schools and provide appropriate
22 interventions, including rules for the establishment and operation
23 of teams.

24 (c) The board of trustees of each school district shall
25 establish a threat assessment and safe and supportive school team
26 to serve at each campus of the district and shall adopt policies and
27 procedures for the teams. The team is responsible for developing

1 and implementing the safe and supportive school program under
2 Subsection (b) at the district campus served by the team. The
3 policies and procedures adopted under this section must:

4 (1) be consistent with the model policies and
5 procedures developed by the Texas School Safety Center;

6 (2) require each team to complete training provided by
7 the Texas School Safety Center or a regional education service
8 center regarding evidence-based threat assessment programs; and

9 (3) require each team established under this section
10 to report the information required under Subsection (j) regarding
11 the team's activities to the agency.

12 (d) The superintendent of the district shall ensure that the
13 members appointed to each team have expertise in counseling,
14 behavior management, mental health and substance use, classroom
15 instruction, special education, school administration, school
16 safety and security, emergency management, and law enforcement. A
17 team may serve more than one campus of a school district, provided
18 that each district campus is assigned a team.

19 (e) The superintendent of a school district may establish a
20 committee, or assign to an existing committee established by the
21 district, the duty to oversee the operations of teams established
22 for the district. A committee with oversight responsibility under
23 this subsection must include members with expertise in human
24 resources, education, special education, counseling, behavior
25 management, school administration, mental health and substance
26 use, school safety and security, emergency management, and law
27 enforcement.

1 (f) Each team shall:

2 (1) conduct a threat assessment that includes:

3 (A) assessing and reporting individuals who make
4 threats of violence or exhibit harmful, threatening, or violent
5 behavior in accordance with the policies and procedures adopted
6 under Subsection (c); and

7 (B) gathering and analyzing data to determine the
8 level of risk and appropriate intervention, including:

9 (i) referring a student for mental health
10 assessment; and

11 (ii) implementing an escalation procedure,
12 if appropriate based on the team's assessment, in accordance with
13 district policy;

14 (2) provide guidance to students and school employees
15 on recognizing harmful, threatening, or violent behavior that may
16 pose a threat to the community, school, or individual; and

17 (3) support the district in implementing the
18 district's multihazard emergency operations plan.

19 (g) On a determination that a student or other individual
20 poses a serious risk of violence to self or others, a team shall
21 immediately report the team's determination to the superintendent.
22 If the individual is a student, the superintendent shall
23 immediately attempt to inform the parent or person standing in
24 parental relation to the student. The requirements of this
25 subsection do not prevent an employee of the school from acting
26 immediately to prevent an imminent threat or respond to an
27 emergency.

1 (h) A team identifying a student at risk of suicide shall
2 act in accordance with the district's suicide prevention program.
3 If the student at risk of suicide also makes a threat of violence to
4 others, the team shall conduct a threat assessment in addition to
5 actions taken in accordance with the district's suicide prevention
6 program.

7 (i) A team identifying a student using or possessing
8 tobacco, drugs, or alcohol shall act in accordance with district
9 policies and procedures related to substance use prevention and
10 intervention.

11 (j) A team must report to the agency in accordance with
12 guidelines developed by the agency the following information
13 regarding the team's activities and other information for each
14 school district campus the team serves:

15 (1) the occupation of each person appointed to the
16 team;

17 (2) the number of threats and a description of the type
18 of the threats reported to the team;

19 (3) the outcome of each assessment made by the team,
20 including:

21 (A) any disciplinary action taken, including a
22 change in school placement;

23 (B) any action taken by law enforcement; or

24 (C) a referral to or change in counseling, mental
25 health, special education, or other services;

26 (4) the total number, disaggregated by student gender,
27 race, and status as receiving special education services, being at

risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:

(A) citations issued for Class C misdemeanor offenses;

(B) arrests;

(C) incidents of uses of restraint;

(D) changes in school placement, including placement in a juvenile justice alternative education program or disciplinary alternative education program;

(E) referrals to or changes in counseling, mental health, special education, or other services;

(F) placements in in-school suspension or out-of-school suspension and incidents of expulsion;

(G) unexcused absences of 15 or more days during the school year; and

(H) referrals to juvenile court for truancy; and

(5) the number and percentage of school personnel trained in:

(A) a best-practices program or research-based practice under Section 161.325, Health and Safety Code, including the number and percentage of school personnel trained in:

(i) suicide prevention; or

(ii) grief and trauma-informed practices;

(B) mental health or psychological first aid for

1 schools;
2 (C) training relating to the safe and supportive
3 school program established under Subsection (b); or
4 (D) any other program relating to safety
5 identified by the commissioner.

6 (k) The commissioner may adopt rules to implement this
7 section.

8 SECTION 15. Section 37.207, Education Code, is amended by
9 adding Subsections (c), (d), and (e) to read as follows:

10 (c) In addition to a review of a district's multihazard
11 emergency operations plan under Section 37.2071, the center may
12 require a district to submit its plan for immediate review if the
13 district's audit results indicate that the district is not
14 complying with applicable standards.

15 (d) If a district fails to report the results of its audit as
16 required under Subsection (b), the center shall provide the
17 district with written notice that the district has failed to report
18 its audit results and must immediately report the results to the
19 center.

20 (e) If six months after the date of the initial notification
21 required by Subsection (d) the district has still not reported the
22 results of its audit to the center, the center shall notify the
23 agency and the district of the district's requirement to conduct a
24 public hearing under Section 37.1081. This subsection applies only
25 to a school district.

26 SECTION 16. Subchapter G, Chapter 37, Education Code, is
27 amended by adding Section 37.2071 to read as follows:

1 Sec. 37.2071. DISTRICT MULTHAZARD EMERGENCY OPERATIONS
2 PLAN REVIEW AND VERIFICATION. (a) The center shall establish a
3 random or need-based cycle for the center's review and verification
4 of school district and public junior college district multihazard
5 emergency operations plans adopted under Section 37.108. The cycle
6 must provide for each district's plan to be reviewed at regular
7 intervals as determined by the center.

8 (b) A school district or public junior college district
9 shall submit its multihazard emergency operations plan to the
10 center on request of the center and in accordance with the center's
11 review cycle developed under Subsection (a).

12 (c) The center shall review each district's multihazard
13 emergency operations plan submitted under Subsection (b) and:

14 (1) verify the plan meets the requirements of Section
15 37.108; or

16 (2) provide the district with written notice:
17 (A) describing the plan's deficiencies; and
18 (B) stating that the district must correct the
19 deficiencies in its plan and resubmit the revised plan to the
20 center.

21 (d) If a district fails to submit its multihazard emergency
22 operations plan to the center for review, the center shall provide
23 the district with written notice stating that the district:

24 (1) has failed to submit a plan; and
25 (2) must submit a plan to the center for review and
26 verification.

27 (e) The center may approve a district multihazard emergency

operations plan that has deficiencies if the district submits a revised plan that the center determines will correct the deficiencies.

(f) If three months after the date of initial notification of a plan's deficiencies under Subsection (c)(2) or failure to submit a plan under Subsection (d) a district has not corrected the plan deficiencies or has failed to submit a plan, the center shall provide written notice to the district and agency that the district has not complied with the requirements of this section and must comply immediately.

(g) If a school district still has not corrected the plan deficiencies or has failed to submit a plan six months after the date of initial notification under Subsection (c)(2) or (d), the center shall provide written notice to the school district stating that the district must hold a public hearing under Section 37.1081.

(h) If a school district has failed to submit a plan, the notice required by Subsection (g) must state that the commissioner is authorized to appoint a conservator under Section 37.1082.

(i) Any document or information collected, developed, or produced during the review and verification of multihazard emergency operations plans under this section is not subject to disclosure under Chapter 552, Government Code.

SECTION 17. Section 37.2091(d), Education Code, is amended to read as follows:

(d) The center shall verify the information provided by a person under Subsection (c) to confirm ~~[registry is intended to serve only as an informational resource for school districts and~~

~~institutions of higher education. The inclusion of a person in the registry is not an indication of] the person's qualifications and [or] ability to provide school safety or security consulting services before adding the person to the registry [or that the center endorses the person's school safety or security consulting services].~~

SECTION 18. Subchapter G, Chapter 37, Education Code, is amended by adding Section 37.220 to read as follows:

Sec. 37.220. MODEL THREAT ASSESSMENT TEAM POLICIES AND PROCEDURES. (a) The center, in coordination with the agency, shall develop model policies and procedures to assist school districts in establishing and training threat assessment teams.

(b) The model policies and procedures developed under Subsection (a) must include procedures, when appropriate, for:

(1) the referral of a student to a local mental health authority or health care provider for evaluation or treatment;

(2) the referral of a student for a full individual and initial evaluation for special education services under Section 29.004; and

(3) a student or school personnel to anonymously report dangerous, violent, or unlawful activity that occurs or is threatened to occur on school property or that relates to a student or school personnel.

SECTION 19. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.036 to read as follows:

Sec. 38.036. TRAUMA-INFORMED CARE POLICY. (a) Each school district shall adopt and implement a policy requiring the

integration of trauma-informed practices in each school environment. A district must include the policy in the district improvement plan required under Section 11.252.

(b) A policy required by this section must address:

(1) using resources developed by the agency, methods for:

(A) increasing staff and parent awareness of trauma-informed care; and

(B) implementation of trauma-informed practices and care by district and campus staff; and

(2) available counseling options for students affected by trauma or grief.

(c) The methods under Subsection (b)(1) for increasing awareness and implementation of trauma-informed care must include training as provided by this subsection. The training must be provided:

(1) through a program selected from the list of recommended best practice-based programs and research-based practices established under Section 161.325, Health and Safety Code;

(2) as part of any new employee orientation for all new school district educators; and

(3) to existing school district educators on a schedule adopted by the agency by rule that requires educators to be trained at intervals necessary to keep educators informed of developments in the field.

(d) For any training under Subsection (c), each school

district shall maintain records that include the name of each district staff member who participated in the training.

(e) Each school district shall report annually to the agency the following information for the district as a whole and for each school campus:

(1) the number of teachers, principals, and counselors employed by the district who have completed training under this section; and

(2) the total number of teachers, principals, and counselors employed by the district.

(f) If a school district determines that the district does not have sufficient resources to provide the training required under Subsection (c), the district may partner with a community mental health organization to provide training that meets the requirements of Subsection (c) at no cost to the district.

(g) The commissioner shall adopt rules as necessary to administer this section.

SECTION 20. Subchapter C, Chapter 42, Education Code, is amended by adding Section 42.168 to read as follows:

Sec. 42.168. SCHOOL SAFETY ALLOTMENT. (a) From funds appropriated for that purpose, the commissioner shall provide to a school district an annual allotment in the amount provided by appropriation for each student in average daily attendance.

(b) Funds allocated under this section must be used to improve school safety and security, including costs associated with:

(1) securing school facilities, including:

- 1 (A) improvements to school infrastructure;
2 (B) the use or installation of physical barriers;
3 and
4 (C) the purchase and maintenance of:
5 (i) security cameras or other security
6 equipment; and
7 (ii) technology, including communications
8 systems or devices, that facilitates communication and information
9 sharing between students, school personnel, and first responders in
10 an emergency;
11 (2) providing security for the district, including:
12 (A) employing school district peace officers,
13 private security officers, and school marshals; and
14 (B) collaborating with local law enforcement
15 agencies, such as entering into a memorandum of understanding for
16 the assignment of school resource officers to schools in the
17 district; and
18 (3) school safety and security training and planning,
19 including:
20 (A) active shooter and emergency response
21 training;
22 (B) prevention and treatment programs relating
23 to addressing adverse childhood experiences; and
24 (C) the prevention, identification, and
25 management of emergencies and threats, including:
26 (i) providing mental health personnel and
27 support;

1 (ii) providing behavioral health services;
2 and
3 (iii) establishing threat reporting
4 systems.

5 (c) A school district may use funds allocated under this
6 section for equipment or software that is used for a school safety
7 and security purpose and an instructional purpose, provided that
8 the instructional use does not compromise the safety and security
9 purpose of the equipment or software.

10 (d) A school district that is required to take action under
11 Chapter 41 to reduce its wealth per student to the equalized wealth
12 level is entitled to a credit, in the amount of the allotments to
13 which the district is to receive as provided by appropriation,
14 against the total amount required under Section 41.093 for the
15 district to purchase attendance credits.

16 (e) The commissioner may adopt rules to implement this
17 section.

18 SECTION 21. Section 45.001(a), Education Code, is amended
19 to read as follows:

20 (a) The governing board of an independent school district,
21 including the city council or commission that has jurisdiction over
22 a municipally controlled independent school district, the
23 governing board of a rural high school district, and the
24 commissioners court of a county, on behalf of each common school
25 district under its jurisdiction, may:

- 26 (1) issue bonds for:
- 27 (A) the construction, acquisition, and equipment

of school buildings in the district;

(B) the acquisition of property or the refinancing of property financed under a contract entered under Subchapter A, Chapter 271, Local Government Code, regardless of whether payment obligations under the contract are due in the current year or a future year;

(C) the purchase of the necessary sites for school buildings; ~~and~~

(D) the purchase of new school buses;

(E) the retrofitting of school buses with emergency, safety, or security equipment; and

(F) the purchase or retrofitting of vehicles to be used for emergency, safety, or security purposes; and

(2) ~~may~~ levy, pledge, assess, and collect annual ad valorem taxes sufficient to pay the principal of and interest on the bonds as or before the principal and interest become due, subject to Section 45.003.

SECTION 22. Section 161.325(d), Health and Safety Code, is amended to read as follows:

(d) A school district may develop practices and procedures concerning each area listed in Subsection (a-1), including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

(1) include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing

1 available student accommodations provided on campus;

2 (2) include a procedure for providing notice of a
3 recommendation for early mental health or substance abuse
4 intervention regarding a student to a parent or guardian of the
5 student within a reasonable amount of time after the identification
6 of early warning signs as described by Subsection (b)(2);

7 (3) ~~[(2)]~~ include a procedure for providing notice of
8 a student identified as at risk of committing suicide to a parent or
9 guardian of the student within a reasonable amount of time after the
10 identification of early warning signs as described by Subsection
11 (b)(2);

12 (4) ~~[(3)]~~ establish that the district may develop a
13 reporting mechanism and may designate at least one person to act as
14 a liaison officer in the district for the purposes of identifying
15 students in need of early mental health or substance abuse
16 intervention or suicide prevention; and

17 (5) ~~[(4)]~~ set out available counseling alternatives
18 for a parent or guardian to consider when their child is identified
19 as possibly being in need of early mental health or substance abuse
20 intervention or suicide prevention.

21 SECTION 23. Section 1701.263(b), Occupations Code, is
22 amended to read as follows:

23 (b) The commission by rule shall require a school district
24 peace officer or a school resource officer who is commissioned by or
25 who provides law enforcement at a school district ~~[with an~~
26 ~~enrollment of 30,000 or more students]~~ to successfully complete an
27 education and training program described by this section before or

1 within 180 [~~120~~] days of the officer's commission by or placement in
2 the district or a campus of the district. The program must:

- 3 (1) consist of at least 16 hours of training;
- 4 (2) be approved by the commission; and
- 5 (3) provide training in accordance with the curriculum
6 developed under Section 1701.262 in each subject area listed in
7 Subsection (c) of that section.

8 SECTION 24. Not later than January 1, 2020:

- 9 (1) the Texas School Safety Center shall:
 - 10 (A) develop a list of best practices for ensuring
11 the safety of public school students receiving instruction in
12 portable buildings; and

- 13 (B) provide information regarding the list of
14 best practices to school districts using portable buildings for
15 student instruction;

- 16 (2) the commissioner of education shall adopt or amend
17 rules as required by Section 7.061, Education Code, as added by this
18 Act; and

- 19 (3) the commissioner of education, in consultation
20 with the Texas School Safety Center and the state fire marshal,
21 shall adopt rules as required by Section 37.114, Education Code, as
22 added by this Act.

23 SECTION 25. (a) Notwithstanding Section 1701.263(b),
24 Occupations Code, as amended by this Act, a school district peace
25 officer or school resource officer who commences employment with or
26 commences providing law enforcement at a school district with an
27 enrollment of fewer than 30,000 students on a date occurring before

1 September 1, 2019, shall complete the training required by Section
2 1701.263, Occupations Code, as amended by this Act, as soon as
3 practicable and not later than August 31, 2020. This subsection
4 does not apply to an officer who is exempt from the training
5 established under Section 1701.263, Occupations Code, as amended by
6 this Act, because the officer has completed the training described
7 by Subsection (b-1) of that section.

8 (b) Not later than October 1, 2019, a school district with
9 an enrollment of fewer than 30,000 students shall adopt the
10 training policy for school district peace officers and school
11 resource officers required by Section 37.0812, Education Code, as
12 amended by this Act.

13 SECTION 26. (a) Except as provided by Subsection (b) of
14 this section, Section 28.002(z), Education Code, as added by this
15 Act, and Section 28.004, Education Code, as amended by this Act,
16 apply beginning with the 2019-2020 school year.

17 (b) Sections 12.104(b)(2)(T) and 28.004(q) and (r),
18 Education Code, as added by this Act, and Section 28.004(c)(3),
19 Education Code, as amended by this Act, apply beginning with the
20 2020-2021 school year.

21 SECTION 27. The Texas Education Agency and the Texas School
22 Safety Center are required to implement a provision of this Act only
23 if the legislature appropriates money specifically for that
24 purpose. If the legislature does not appropriate money
25 specifically for that purpose, the Texas Education Agency or the
26 Texas School Safety Center may, but is not required to, implement a
27 provision of this Act using other appropriations available for that

1 purpose.

2 SECTION 28. To the extent of any conflict, this Act prevails
3 over another Act of the 86th Legislature, Regular Session, 2019,
4 relating to nonsubstantive additions to and corrections in enacted
5 codes.

6 SECTION 29. This Act takes effect immediately if it
7 receives a vote of two-thirds of all the members elected to each
8 house, as provided by Section 39, Article III, Texas Constitution.
9 If this Act does not receive the vote necessary for immediate
10 effect, this Act takes effect September 1, 2019.